

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 PENSION FUND, an employee benefit plan, and RONALD S. KAEMPFE, EUGENE KEELEY, PETE KORTE, MARK JOHNSON, CHAD GOLDSCHMIDT, and DALE KELLER, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Pension Fund; EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 HEALTH AND WELFARE FUND, and RONALD S. KAEMPFE, EUGENE KEELEY, MARK JOHNSON, PETE KORTE, CHAD GOLDSCHMIDT, and DALE KELLER, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Health and Welfare Fund; OPERATING ENGINEERS LOCAL 520 JOINT APPRENTICESHIP AND TRAINING FUND, and EUGENE KEELEY, MICHAEL LUHR, MICHAEL PARKINSON, and MARK JOHNSON, in their representative capacities as Trustees of the Operating Engineers Local 520 Joint Apprenticeship and Training Fund; and EMPLOYERS AND OPERATING ENGINEERS LOCAL 520 VACATION FUND, and CHARLES MAHONEY, TIM KEELEY, RONALD S. KAEMPFE, DAVID BAXMEYER, CHAD GOLDSCHMIDT, and STEVE SMITH, in their representative capacities as Trustees of the Employers and Operating Engineers Local 520 Vacation Fund; OPERATING ENGINEERS LOCAL 520 ANNUITY TRUST FUND, and MARK JOHNSON, HENRY ROHWEDDER, STEVE SMITH, KENNETH J. KILIAN, KEN TOENNIES, and RONALD S. KAEMPFE, in their representative capacities as Trustees of the Operating Engineers Local 520 Annuity Trust Fund,

Plaintiffs,

v.

MONIGER EXCAVATING COMPANY INC., and MIKE
MONIGER, an individual d/b/a Moniger Excavating Company, Inc.,

Defendants.

Case No. 18-cv-2208-JPG-RJD

CONSENT JUDGMENT

This matter having come before the Court, and the parties having consented to entry of this judgment,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of the plaintiffs and against defendant Moniger Excavating Company, Inc., in the amount of \$83,311.10, which represents fringe benefit contributions, liquidated damages, union dues and interest owned through June 2019;

IT IS FURTHER ORDERED AND ADJUDGED that execution on the judgment set forth above shall be stayed so long as defendant Moniger Excavating Company, Inc. complies with the payments schedule set forth below:

Defendant Moniger Excavating Company, Inc. shall make payments to the plaintiffs pursuant to the following schedule:

- 1) \$2,500.00 on or before September 1, 2019;
- 2) \$2,500.00 on or before October 1, 2019;
- 3) \$2,500.00 on or before November 1, 2019;
- 4) \$2,500.00 on or before December 1, 2019;
- 5) \$2,500.00 on or before January 1, 2020;
- 6) \$2,500.00 on or before February 1, 2020;
- 7) \$2,500.00 on or before March 1, 2020;
- 8) \$2,500.00 on or before April 1, 2020;
- 9) \$2,500.00 on or before May 1, 2020;
- 10) \$2,500.00 on or before June 1, 2020;
- 11) \$2,500.00 on or before July 1, 2020;
- 12) \$2,500.00 on or before August 1, 2020;
- 13) \$2,500.00 on or before September 1, 2020;
- 14) \$2,500.00 on or before October 1, 2020;
- 15) \$2,500.00 on or before November 1, 2020;
- 16) \$2,500.00 on or before December 1, 2020;
- 17) \$2,500.00 on or before January 1, 2021;
- 18) \$2,500.00 on or before February 1, 2021;
- 19) \$2,500.00 on or before March 1, 2021;
- 20) \$2,500.00 on or before April 1, 2021;
- 21) \$2,500.00 on or before May 1, 2021;
- 22) \$2,500.00 on or before June 1, 2021;
- 23) \$2,500.00 on or before July 1, 2021;
- 24) \$2,500.00 on or before August 1, 2021;
- 25) \$2,500.00 on or before September 1, 2021;
- 26) \$2,500.00 on or before October 1, 2021;
- 27) \$2,500.00 on or before November 1, 2021;
- 28) \$2,500.00 on or before December 1, 2021;
- 29) \$2,500.00 on or before January 1, 2022;
- 30) \$2,500.00 on or before February 1, 2022;
- 31) \$2,500.00 on or before March 1, 2022;
- 32) \$2,500.00 on or before April 1, 2022;
- 33) \$2,500.00 on or before May 1, 2022;
- 34) \$811.10 on or before June 1, 2022.

IT IS FURTHER ORDERED AND ADJUDGED that defendant Moniger Excavating Company, Inc. shall submit its reports and contributions to the plaintiff funds on or before the date due as set forth in the collective bargaining agreement to which defendant Moniger Excavating Company, Inc. is a party, or to which defendant becomes party during the period set forth in the payment schedule above; and

IT IS FURTHER ORDERED AND ADJUDGED that if defendant Moniger Excavating Company, Inc. fails to make a payment when due pursuant to the schedule set forth above, or fails to submit its reports and contributions as required above, the entire judgment, less any payments made, shall become immediately due. The plaintiffs shall give defendant Moniger Excavating Company, Inc. written notice of such default and provide the defendant with ten (10) business days to cure such default before the provisions of this paragraph apply; and

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiffs' claims against defendant Mark Moniger are dismissed without prejudice.

IT IS SO ORDERED.

DATED: September 10, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE